

General Assembly

Raised Bill No. 5748

February Session, 2008

LCO No. 2429

02429_____TRA

Referred to Committee on Transportation

Introduced by: (TRA)

AN ACT CONCERNING TEENAGE DRIVERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsection (j) of section 14-227b of the general statutes is
- repealed and the following in substituted in lieu thereof (Effective
- 3 *October* 1, 2008):
- 4 (j) The commissioner shall suspend the operator's license or
- 5 nonresident operating privilege of a person under twenty-one years of
- 6 age who did not contact the department to schedule a hearing, who
- 7 failed to appear at a hearing or against whom, after a hearing the
- 8 commissioner held pursuant to subsection (h) of this section, as of the
- 9 effective date contained in the suspension notice or the date the
- 10 commissioner renders a decision whichever is later, for twice the
- 11 appropriate period of time specified in subsection (i) of this section,
- 12 except that, in the case of a person who is sixteen or seventeen years of
- 13 age at the time of the alleged offense, the period of suspension shall be
- 14 for not less than one year.
- 15 Sec. 2. Subsection (a) of section 14-227f of the general statutes is
- 16 repealed and the following is substituted in lieu thereof (Effective

- 17 *October 1, 2008*):
- 18 (a) Any person whose motor vehicle operator's license or 19 nonresident operating privilege is suspended under subsection (g) of 20 section 14-227a for a conviction of a violation of subsection (a) of said 21 section or under section 14-227b, as amended by this act, for a second 22 or subsequent time, or who is sixteen or seventeen years of age and 23 whose license is suspended under section 14-227b, as amended by this 24 act, shall participate in a treatment program which includes an 25 assessment of the degree of alcohol abuse and treatment, 26 appropriate, approved by the Commissioner of Motor Vehicles. The 27 commissioner shall not reinstate the operator's license or nonresident 28 operating privilege or any such person until such person submits 29 evidence to the commissioner that such person has satisfactorily 30 completed the treatment program. Any person whose certificate is 31 suspended or revoked pursuant to section 15-133, 15-140l or 15-140n 32 shall participate in such treatment program.
- Sec. 3. Subsection (c) of section 14-36 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):
- 36 (c) (1) On or after January 1, 1997, a person who is sixteen or 37 seventeen years of age and who has not had a motor vehicle operator's 38 license or right to operate a motor vehicle in this state suspended or 39 revoked may apply to the Commissioner of Motor Vehicles for a 40 learner's permit. The commissioner may issue a learner's permit to an 41 applicant after the applicant has passed a vision screening and test as 42 to knowledge of the laws concerning motor vehicles and the rules of 43 the road, has paid the fee required by subsection (v) of section 14-49 of 44 the 2008 supplement to the general statutes and has filed a certificate, 45 in such form as the commissioner prescribes, requesting or consenting 46 to the issuance of the learner's permit and the motor vehicle operator's 47 license, signed by (A) one or both parents or foster parents of the 48 applicant, as the commissioner requires, (B) the legal guardian of the

applicant, (C) the applicant's spouse, if the spouse is eighteen years of age or older, or (D) if the applicant has no qualified spouse and such applicant's parent or foster parent or legal guardian is deceased, incapable, domiciled without the state or otherwise unavailable or unable to sign or file the certificate, the applicant's stepparent, or uncle or aunt by blood or marriage, provided such person is eighteen years of age or older. The commissioner may, for the more efficient administration of the commissioner's duties, appoint any drivers' school licensed in accordance with the provisions of section 14-69 or any secondary school providing instruction in motor vehicle operation and highway safety in accordance with section 14-36e to issue a learner's permit, subject to such standards and requirements as the commissioner may prescribe in regulations adopted in accordance with chapter 54. Each learner's permit shall expire on the date the holder of the permit is issued a motor vehicle operator's license or on the date the holder attains the age of eighteen years, whichever is earlier. (2) The learner's permit shall entitle the holder, while such holder has the permit in his or her immediate possession, to operate a motor vehicle on the public highways, provided such holder is under the instruction of, and accompanied by, a person who holds an instructor's license issued under the provisions of section 14-73 or a person twenty years of age or older who has been licensed to operate, for at least four years preceding the instruction, a motor vehicle of the same class as the motor vehicle being operated and who has not had his or her motor vehicle operator's license suspended by the commissioner during the four-year period preceding the instruction. (3) [For the period of three months after the date of issuance of such permit, unless Unless the holder of the permit is under the instruction of and accompanied by a person who holds an instructor's license issued under the provisions of section 14-73, the holder shall not transport more than (A) one passenger who meets the provisions of subdivision (2) of this subsection, or (B) such holder's parents or legal guardian, at least one of whom holds a motor vehicle operator's license. (4) [For the period beginning three months after the date of

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issuance of such permit and ending six months after the date of issuance of such permit, unless the holder is under the instruction of and accompanied by a person who holds an instructor's license issued under the provisions of section 14-73, such holder shall not transport any passenger other than as permitted under subdivision (2) or (3) of this subsection and any additional member or members of such holder's immediate family. (5)] The holder of a learner's permit who (A) is an active member of a certified ambulance service, as defined in section 19a-175, (B) has commenced an emergency vehicle operator's course that conforms to the national standard curriculum developed by the United States Department of Transportation, and (C) has had state and national criminal history records checks conducted by the certified ambulance service or by the municipality in which such ambulance service is provided, shall be exempt from the provisions of subdivisions (2) [,] and (3) [and (4)] of this subsection only when such holder is en route to or from the location of the ambulance for purposes of responding to an emergency call. [(6)] (5) The commissioner may revoke any learner's permit used in violation of the limitations imposed by subdivision (2) [,] or (3) [or (4)] of this subsection.

- Sec. 4. Subsection (d) of section 14-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):
- (d) (1) No motor vehicle operator's license shall be issued to any applicant who is sixteen or seventeen years of age unless the applicant has held a learner's permit and has satisfied the requirements specified in this subsection. The applicant shall (A) present to the commissioner a certificate of the successful completion (i) in a public secondary school, a state vocational school or a private secondary school of a full course of study in motor vehicle operation prepared as provided in section 14-36e, (ii) of training of similar nature provided by a licensed drivers' school approved by the commissioner, or (iii) of home training in accordance with subdivision (2) of this subsection, including, in each

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case, or by a combination of such types of training, successful completion of not less than [twenty] forty clock hours of behind-thewheel, on-the-road instruction; (B) present to the commissioner a certificate of the successful completion of a course of not less than eight hours relative to safe driving practices, including a minimum of four hours on the nature and the medical, biological and physiological effects of alcohol and drugs and their impact on the operator of a motor vehicle, the dangers associated with the operation of a motor vehicle after the consumption of alcohol or drugs by the operator, the problems of alcohol and drug abuse and the penalties for alcohol and drug-related motor vehicle violations; and (C) pass an examination which shall include a comprehensive test as to knowledge of the laws concerning motor vehicles and the rules of the road and an on-the-road skills test as prescribed by the commissioner. At the time of application and examination for a motor vehicle operator's license, an applicant sixteen or seventeen years of age shall have held a learner's permit for not less than one hundred eighty days, except that an applicant who presents a certificate under subparagraph (A)(i) or subparagraph (A)(ii) of this subdivision shall have held a learner's permit for not less than one hundred twenty days and an applicant who is undergoing training and instruction by the handicapped driver training unit in accordance with the provisions of section 14-11b shall have held such permit for the period of time required by said unit. The Commissioner of Motor Vehicles shall approve the content of the safe driving instruction at drivers' schools, high schools and other secondary schools. Such hours of instruction required by this subdivision shall be included as part of or in addition to any existing instruction programs. Any fee charged for the course required under subparagraph (B) of this subdivision shall not exceed an amount prescribed by the commissioner by regulation, adopted in accordance with chapter 54. Any applicant sixteen or seventeen years of age who, while a resident of another state, completed the course required in subparagraph (A) of this subdivision, but did not complete the safe driving course required in subparagraph (B) of this subdivision, shall complete the safe driving

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course, and any fee charged for the course shall not exceed an amount prescribed by the commissioner by regulation, adopted in accordance with chapter 54. The commissioner may waive any requirement in this subdivision, except for that in subparagraph (C) of this subdivision, in the case of an applicant sixteen or seventeen years of age who holds a valid motor vehicle operator's license issued by any other state, provided the commissioner is satisfied that the applicant has received training and instruction of a similar nature. (2) The commissioner may accept as evidence of sufficient training under subparagraph (A) of subdivision (1) of this subsection home training as evidenced by a written statement signed by the spouse of a married minor applicant, or by a parent, grandparent, foster parent or legal guardian of an applicant which states that the applicant has obtained a learner's permit and has successfully completed a driving course taught by the person signing the statement, that the signer has had an operator's license for at least four years preceding the date of the statement, and that the signer has not had such license suspended by the commissioner for at least four years preceding the date of the statement or, if the applicant has no spouse, parent, grandparent, foster parent or guardian so qualified and available to give the instruction, a statement signed by the applicant's stepparent, brother, sister, uncle or aunt, by blood or marriage, provided the person signing the statement is qualified. (3) If the commissioner requires a written test of any applicant under this section, the test shall be given in English or Spanish at the option of the applicant, provided the commissioner shall require that the applicant shall have sufficient understanding of English for the interpretation of traffic control signs. (4) The Commissioner of Motor Vehicles may adopt regulations, in accordance with the provisions of chapter 54, to implement the purposes of this subsection concerning the requirements for behindthe-wheel, on-the-road instruction and the content of safe driving instruction at drivers' schools, high schools and other secondary schools.

183 Sec. 5. Section 14-36g of the 2008 supplement to the general statutes

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- is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):
- 186 (a) Each person who holds a motor vehicle operator's license and 187 who is sixteen or seventeen years of age shall comply with the 188 following requirements:
 - (1) Except as provided in subsection (b) of this section, for the period of [three] six months after the date of issuance of such license, such person shall not transport more than (A) such person's parents or legal guardian, at least one of whom holds a motor vehicle operator's license, or (B) one passenger who is a driving instructor licensed by the Department of Motor Vehicles, or a person twenty years of age or older who has been licensed to operate, for at least four years preceding the time of being transported, a motor vehicle of the same class as the motor vehicle being operated and who has not had his or her motor vehicle operator's license suspended by the commissioner during such four-year period;
 - (2) Except as provided in subsection (b) of this section, for the period beginning [three] <u>six</u> months after the date of issuance of such license and ending [six months] <u>one year</u> after the date of issuance of such license, such person shall not transport any passenger other than as permitted under subdivision (1) of this subsection and any additional member or members of such person's immediate family;
 - (3) No such person shall operate any motor vehicle for which a public passenger transportation permit is required in accordance with the provisions of section 14-44 of the 2008 supplement to the general statutes or a vanpool vehicle, as defined in section 14-1 of the 2008 supplement to the general statutes;
 - (4) No such person shall transport more passengers in a motor vehicle than the number of seat safety belts permanently installed in such motor vehicle, and each passenger shall wear a seat safety belt in accordance with the provisions of section 14-100a, as amended by this

- 215 act;
- 216 (5) No such person issued a motorcycle endorsement shall transport 217 any passenger on a motorcycle for a period of six months after the date 218 of issuance; and
- 219 (6) Except as provided in subsection (b) of this section, no such 220 person shall operate a motor vehicle on any highway, as defined in 221 section 14-1 of the 2008 supplement to the general statutes, at or after 222 [midnight] 11:00 p.m. until and including 5:00 a.m. of the [same] 223 following day unless (A) such person is traveling for his or her 224 employment or school or religious activities, (B) there is a medical 225 necessity for such travel, or (C) such person is an assigned driver in a 226 Safe Ride program sponsored by the American Red Cross, the Boy 227 Scouts of America or other national public service organization.
- 228 (b) A person who holds a motor vehicle operator's license and who 229 is sixteen or seventeen years of age shall not be subject to the 230 restrictions on the number or type of passengers specified in 231 subdivision (1) or (2) of subsection (a) of this section, or to the 232 restrictions specified in subdivision (6) of said subsection (a), if such 233 person is an active member of a volunteer fire company or department, 234 a volunteer ambulance service or company or an emergency medical 235 service organization and if such person is responding to an emergency 236 or is carrying out his or her duties as such active member.
- (c) The Commissioner of Motor Vehicles may adopt regulations, in accordance with chapter 54, to implement the provisions of subsection (a) of this section.
- (d) Any person who violates any provision of subsection (a) of this section shall be deemed to have committed an infraction. The Commissioner of Motor Vehicles, after notice and opportunity for a hearing, in accordance with chapter 54, may suspend the motor vehicle operator's license of any person who commits a [second or subsequent] violation of the provisions of subsection (a) of this section. For a first

- 246 <u>violation, the commissioner may impose a suspension for a period of</u>
- 247 thirty days, and for a second or subsequent violation, the
- 248 commissioner may suspend such person's operator's license for a
- 249 <u>period of six months or</u> until such person attains the age of eighteen
- years, whichever is longer.
- Sec. 6. Subsection (a) of section 14-50b of the general statutes is
- 252 repealed and the following is substituted in lieu thereof (Effective
- 253 October 1, 2008):
- 254 (a) Any person whose operator's license or right to operate a motor
- 255 vehicle in this state has been suspended or revoked by the
- 256 Commissioner of Motor Vehicles, or who has been disqualified from
- operating a commercial motor vehicle, shall pay a restoration fee [of
- one hundred twenty-five dollars] to said commissioner prior to the
- issuance to such person of a new operator's license or the restoration of
- such operator's license or such privilege to operate a motor vehicle or
- 261 commercial motor vehicle. Such restoration fee shall be one hundred
- 262 twenty-five dollars except that, in the case of a person suspended for a
- 263 second or subsequent time for a violation of section 14-36g, as
- amended by this act, or for a second or subsequent time for a violation
- specified in subdivision (2) of subsection (b) of section 14-111, as
- amended by this act, such restoration fee shall be two hundred fifty
- 267 <u>dollars.</u> Such restoration fee shall be in addition to any other fees
- 268 provided by law.
- Sec. 7. Subsection (c) of section 14-100a of the 2008 supplement to
- 270 the general statutes is repealed and the following is substituted in lieu
- 271 thereof (*Effective October 1, 2008*):
- (c) (1) The operator of and any front seat passenger in a motor
- vehicle with a gross vehicle weight rating not exceeding ten thousand
- 274 pounds or fire fighting apparatus originally equipped with seat safety
- 275 belts complying with the provisions of the Code of Federal
- 276 Regulations, Title 49, Section 571.209, as amended from time to time,
- shall wear such seat safety belt while the vehicle is being operated on

- [the highways of this state] any highway, except [that a] as follows: 278
- 279 (A) A child six years of age and under shall be restrained as 280 provided in subsection (d) of this section. Each operator of such 281 vehicle shall secure or cause to be secured in a seat safety belt any 282 passenger seven years of age or older and under sixteen years of age.
- 283 (B) No operator who is less than eighteen years of age shall 284 transport more passengers than the number of seat safety belts 285 permanently installed in the motor vehicle being operated. Such 286 operator and each passenger in such motor vehicle shall wear a seat 287 safety belt at all times while the vehicle is being operated on any 288 highway.
- 289 (2) The provisions of subdivision (1) of this subsection shall not 290 apply to (A) any person whose physical disability or impairment 291 would prevent restraint in such safety belt, provided such person 292 obtains a written statement from a licensed physician containing 293 reasons for such person's inability to wear such safety belt and 294 including information concerning the nature and extent of such 295 condition. Such person shall carry the statement on his or her person 296 or in the motor vehicle at all times when it is being operated, or (B) an 297 authorized emergency vehicle, other than fire fighting apparatus, 298 responding to an emergency call or a motor vehicle operated by a rural 299 letter carrier of the United States postal service while performing his or 300 her official duties or by a person engaged in the delivery of 301 newspapers.
 - (3) Failure to wear a seat safety belt shall not be considered as contributory negligence nor shall such failure be admissible evidence in any civil action.
- (4) [On and after February 1, 1986, any] Any person who is eighteen 305 306 years of age or older who violates [the provisions] any provision of 307 this subsection shall have committed an infraction and shall be fined 308 fifteen dollars. Any person who is less than eighteen years of age who

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- 309 <u>violates any provision of this subsection shall have committed an</u>
- 310 <u>infraction and shall be fined ninety dollars.</u> Points may not be assessed
- against the operator's license of any person who is eighteen years of
- 312 <u>age or older who is</u> convicted of such violation.
- Sec. 8. Subsection (b) of section 14-111 of the general statutes is
- 314 repealed and the following is substituted in lieu thereof (Effective
- 315 *October 1, 2008*):
- 316 (b) (1) [Whenever] Except as provided in subdivision (2) of this
- 317 <u>subsection, whenever</u> the holder of any motor vehicle operator's
- 318 license has been convicted or has forfeited any bond taken or has
- 319 received a suspended judgment or sentence for any of the following
- violations, the commissioner shall, without hearing, suspend [his] such
- 321 <u>person's</u> operator's license as follows: For a first violation of subsection
- 322 (a) of section 14-224 or section 14-110, 14-215 or 53a-119b, for a period
- 323 of not less than one year and, for a subsequent violation thereof, for a
- 324 period of not less than two years; for a violation of subsection (a) of
- section 14-222, for a period of not less than thirty days or more than
- 326 ninety days and, for a subsequent violation thereof, for a period of not
- less than ninety days; for a violation of subsection (b) of section 14-224,
- 328 for a period of not less than ninety days; for a first violation of
- 329 subsection (b) of section 14-147, for a period of not less than ninety
- days and, for a subsequent violation thereof, for a period of not less
- than five years; for a first violation of subsection (c) of section 14-147,
- for a period of not less than thirty days and, for a subsequent violation
- 333 thereof, for a period of not less than one year.
- 334 (2) Notwithstanding the provisions of section 14-111b, whenever the
- holder of any motor vehicle operator's license who is less than eighteen
- years of age has been convicted or has forfeited any bond taken or has
- 337 received a suspended judgment or sentence for any of the following
- 338 violations, the commissioner shall, without hearing, suspend such
- 339 person's operator's license as follows: For a first violation of section 14-
- 340 219, for a period of forty-five days and, for a second violation thereof,

thereof, for a period of six months; for a first violation of subsection (a)
of section 14-222, for a period of six months and, for a subsequent
violation thereof, for a period of one year; for a violation of subsection

for a period of ninety days and, for a third or subsequent violation

- (c) of section 14-224, for a period of six months and, for a subsequent
- 346 <u>violation thereof, for a period of one year; for a first violation of section</u>
- 347 <u>14-296aa, for a period of thirty days and, for a second violation thereof,</u>
- 348 for a period of ninety days and, for a third or subsequent violation
- 349 thereof, for a period of six months.

- [(2)] (3) The commissioner may suspend the motor vehicle operator's license of any person (A) who was arrested for a felony, and (B) for whom there is an outstanding warrant for rearrest for failing to appear when legally called with regard to such felony. The suspension shall terminate no later than the date on which such person appears before the court with regard to such felony or such failure to appear.
- Sec. 9. Subsection (a) of section 14-111g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):
- 359 (a) For the purposes of this subsection, "moving violation" means 360 any violation of subsection (c) of section 14-36, as amended by this act, 361 section 14-36g, as mended by this act, 14-218a, 14-219, 14-222, 14-223, 362 14-230 to 14-249, inclusive, 14-279, 14-289b, 14-296aa, 14-299, 14-301, 363 14-302 or 14-303, and "suspension violation" means a violation of 364 section 14-222a or 14-224, subsection (a) of section 14-227a, or section 365 53a-56b, 53a-57 or 53a-60d. The Commissioner of Motor Vehicles may 366 require any licensed motor vehicle operator who is twenty-four years 367 of age or less, who has been convicted of a moving violation or a 368 suspension violation, or both, committed on two or more occasions to 369 a motor vehicle operator's retraining program. 370 commissioner may require any licensed motor vehicle operator over 371 twenty-four years of age, who has been convicted of a moving 372 violation or a suspension violation or a combination of said violations,

committed on three or more occasions to attend a motor vehicle operator's retraining program. The retraining program shall (1) review principles of motor vehicle operation, (2) develop alternative attitudes for those attitudes contributing to aggressive driving behavior, and (3) emphasize the need to practice safe driving behavior. The retraining program shall be offered by the Department of Motor Vehicles or by any other organization conducting such a program certified by the commissioner. The commissioner shall notify such operator, in writing, of such requirement. A fee of not more than sixty dollars shall be charged for the retraining program. The commissioner, after notice and opportunity for hearing, may suspend the motor vehicle operator's license of any such operator who fails to attend or successfully complete the program until the operator successfully completes the program. The hearing shall be limited to any claim of impossibility of the operator to attend the retraining program, or to a determination of mistake or misidentification.

Sec. 10. (NEW) (Effective October 1, 2008) (1) If any person operating a motor vehicle is stopped by a police officer and determined by such officer to be: (A) Operating such vehicle at excessive speed; (B) driving under the influence of alcohol or drugs; (C) drag racing; or (D) operating such vehicle in a reckless and dangerous manner, or (2) if any person operating a motor vehicle, subject to the provisions of section 14-36g of the 2008 supplement to the general statutes, as amended by this act, or the regulations adopted pursuant to subsection (c) of said section 14-36g, is stopped by a police officer and determined by such officer to be in violation of passenger restrictions or curfew, such officer may immediately seize the operator's license of such person and may impound such motor vehicle for at least fortyeight hours. Such officer shall immediately notify the Commissioner of Motor Vehicles of such seizure or impoundment. The commissioner shall suspend the operator's license of such person in accordance with the applicable provisions of the general statutes. If no suspension is required, the commissioner shall return the operator's license upon receipt of a written request from such person. The motor vehicle may

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be released from impoundment after forty-eight hours upon payment by such person of an administrative fee of fifty dollars to the Department of Motor Vehicles and payment of towing and impoundment fees.

Sec. 11. (NEW) (Effective October 1, 2008) (a) The Commissioner of Motor Vehicles shall amend the regulations adopted pursuant to section 14-36e of the general statutes concerning the content of safe driving instruction courses offered at drivers' schools, high schools and other secondary schools to require two hours of instruction concerning the statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, the responsibilities and liabilities of parents of teenage drivers, and related topics deemed by the commissioner to be appropriate.

(b) A parent or guardian of any person with a learner's permit who is less that eighteen years of age shall attend the two hours of instruction with such person. Before the holder of a learner's permit is permitted to take the driver's test, such person shall provide an affidavit to the commissioner, signed under penalty of false statement, by an official of the driver's school, high school or other secondary school by which such course was conducted, that a parent or guardian attended the two hours of instruction required by subsection (a) of this section with such person.

This act shall take effect as follows and shall amend the following sections:			
Section 1	October 1, 2008	14-227b(j)	
Sec. 2	October 1, 2008	14-227f(a)	
Sec. 3	October 1, 2008	14-36(c)	
Sec. 4	October 1, 2008	14-36(d)	
Sec. 5	October 1, 2008	14-36g	
Sec. 6	October 1, 2008	14-50b(a)	
Sec. 7	October 1, 2008	14-100a(c)	
Sec. 8	October 1, 2008	14-111(b)	

Sec. 9	October 1, 2008	14-111g(a)
Sec. 10	October 1, 2008	New section
Sec. 11	October 1, 2008	New section

Statement of Purpose:

To strengthen the requirements for the issuance of a motor vehicle operator's license for persons under the age of eighteen, and to impose public safety restrictions on the operation of a motor vehicle by such persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]